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REMARKS

Claims 40-79 are currently pending in the subject application and are presently under consideration. Claims 68-69, 71-73 and 75-79 have been amended herein. Claims 1-39 have been cancelled without disclaimer or prejudice. A listing of the claims can be found on pages 2-9. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claims 68-69, 71-73 and 75-79

Claims 68-69, 71-73 and 75-79 are objected to because of minor informalities. Claims 68-69, 71-73 and 75-79 have been amended herein to cure such informalities. Accordingly, withdrawal of this objection is respectfully requested.

II. Rejection of Claims 40, 42-49, 59, 61-66, 69-70, 72-76, 78 and 79 Under 35 U.S.C. §102(b)

Claims 40, 42-49, 59, 61-66, 69-70, 72-76, 78 and 79 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ogushi, *et al.* (US 6,385,497). It is respectfully submitted that this rejection should be withdrawn for at least the following reason. Ogushi, *et al.* does not teach or suggest each and every element of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every limitation* set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 40 (and similarly independent claims 59, 69, 70, 74 and 79) recites a factory automation *component that communicates status information to a first party that is compiled by the first party and utilized to benefit a second party*. The subject claims further recite the status information comprises *component source information*, vendor site address information, component type information, customer site

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information and component health information. Ogushi *et al.* does not teach such claimed aspects of the subject invention.

More particularly, Ogushi *et al.* does not teach or suggest a factory automation *component that communicates component source information* as recited in claims 40, 59 and 74. The Examiner contends that Ogushi *et al.* discloses component source information by citing the network location of the "office of a vendor." (See Ogushi col.3, ll.6-9). As disclosed, Ogushi *et al.* describes a network of computers, wherein one computer on the network is located at the "office of a vendor." However, stating that the vendor's office is part of a network is merely a *label* employed to designate a computer's location in relation to other computers in such a network. Thus, this passage of Ogushi *et al.* is not directed to the disclosure of *component source information communicated via a factory automation component*, as recited in the subject claims. In contrast, as recited in the claimed invention, *component source information is communicated by a factory automation component* to designate the source (e.g., manufacturer, distributor, etc.) of the component. Thus, since Ogushi *et al.* merely references the *location of the office of a vendor* on a network, it does not teach or suggest a factory automation *component that communicates source information*, as recited in the subject claims.

Moreover, Ogushi *et al.* does not teach or suggest such component source information is *communicated directly to a first party* that distributes the factory automation component for the benefit of a second party, as recited in the subject claims. Instead, Ogushi *et al.* is silent with regard to *communicating* component source information to a first party wherein such information is utilized to the benefit of the second party, as recited in the subject claims. Since vendor information, as disclosed in Ogushi *et al.* is only employed as a label to locate a party on a network, as noted above, it follows that such information is *not communicated* from one party to another party. Thus, since a first party never receives factory automation component source information under Ogushi *et al.*, it cannot be employed to benefit a second party, as recited in the subject claims.

In addition, Ogushi *et al.* does not teach or suggest *communicating* component version information *from at least one component* directly to the server of the vendor, as recited in independent claims 59, 69 and 70. The Examiner contends that Ogushi *et al.*

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discloses the serial number of a component. (See Final Office Action, page 6). However, the serial number is not *transmitted from a component* directly to the server of the vendor, as recited in the subject claims. Instead, Ogushi *et al.* discloses once "trouble" is detected, an operator enters information to be transmitted to a vendor into a computer. (See col.6, ll.41-43). In addition, the *serial number* of a component is not the version number of a component since the serial number is employed to distinguish one component from another. Thus, the *serial number* does not provide the vendor with *version information*, as recited in the subject claims. Thus, since Ogushi *et al.* does not mention communicating component version information, it fails to teach or suggest each and every element of the claimed subject invention.

Furthermore, Ogushi *et al.* does not teach or suggest means for matching a factory automated *component location* and customer identification information with status information provided by the factory automated component, as recited in claim 69. The Examiner contends that Ogushi *et al.* discloses means for matching a factory automated *component location* and customer information since "[t]he component location is determined and matched *via* the host computer and then transmitted to the vendor host computer *via* the Internet." (See Final Office Action, page 21). Applicant's representative respectfully disagrees. Ogushi *et al.* does not mention *component location* information and further does not mention that "component location information is determined" as the Examiner contends. Instead, Ogushi *et al.* discloses reporting the *state of equipment* in trouble. (See col. 3, ll. 33-36). The *state of the equipment* does not include the *location information* of such equipment, as recited in the subject claims.

Additionally, Ogushi *et al.* does not teach or suggest means for searching a database including comparing received component information with component information contained in the database, as recited in claims 59 and 79. Instead, Ogushi *et al.* only describes employing a database to look up trouble information. (See col.5, ll.34-48). Further, in Ogushi *et al.* the database only contains trouble information that has been reported in the past. If a machine has not reported trouble information in the past, the database is empty. In the present invention, searching the database will provide information such as whether product upgrades are available, whether maintenance should

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be scheduled, or that there might be a safety issue or application solution that might be helpful to the customer. (page 3, lines 22-27).

For the aforementioned reasons, Ogushi, *et al.* does not teach or suggest each and every element of the subject invention as recited in independent claims 40, 59, 67, 69, 70, 74 and 79 (and claims 42-49, 61-66, 72-73, 75-76 and 78 which depend therefrom). Accordingly, this rejection should be withdrawn.

III. Rejection of Claims 50, 52-58, 60 and 77 Under 35 USC §103(a)

Claims 50, 52-58, 60 and 77 stand rejected under 35 USC §103(a) as being unpatentable over Ogushi *et al.* (US 6,385,497) in view of Sekizawa (US 6,430,711). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Ogushi *et al.* and Sekizawa, individually and in combination, do not teach or suggest all the claim limitations of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j).

Independent claim 50 recites an Internet communication system including a website for receiving factory automation component status information from a plurality of components. Claim 50 has been amended to recite the status information comprises component type information, component health information, customer name information, customer site information and component location information. Neither Ogushi *et al.* nor Sekizawa teach or suggest such limitations as recited in the subject claims.

More particularly, Ogushi *et al.* does not teach or suggest a website that receives customer name information from a plurality of factory components, as recited in claim 50. The Examiner contends that customer name information is disclosed by the factory

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or host computer information. However, Ogushi *et al.* does not teach or suggest that customer name information is received from a plurality of factory automation components. Instead, Ogushi *et al.* discloses providing the state of the equipment in trouble to a vendor and such a state of the equipment does not relate to customer name information.

In addition, there is no motivation to combine Ogushi *et al.* with Sekizawa, as Sekizawa is non-analogous to Ogushi *et al.*, since it does not relate to factory automation components as recited in the subject claims. Instead, Sekizawa relates to a plurality of network printers in a business environment. There is no mention in Ogushi *et al.* of utilizing network printers and there is no mention in Sekizawa of factory automation components or the art of factory automation. Thus, since Sekizawa is concerned with the non-analogous art of network printers and does not contemplate factory automation, there is no motivation to combine Ogushi *et al.* with Sekizawa and such a combination is improper. The mere fact that references can be modified does not render the modification obvious unless the *cited art also suggests* the desirability of the modification. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

For the above-mentioned reasons, neither Ogushi *et al.* nor Sekizawa teach or suggest claim 50 (or dependent claims 52-58, 60 and 77) and there is motivation to make such a combination. Accordingly, this rejection should be withdrawn.

IV. Rejection of Claim 41 and 71 Under 35 USC §103(a)

Claims 41 and 71 stand rejected under 35 USC §103(a) as being unpatentable over Ogushi, *et al.* (US 6,385,497) in view of Chamberlin, *et al.* (US 4,703,325). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons.

Claims 41 and 71 depend from independent claims 40 and 70 respectively and Chamberlin, *et al.* fails to make up for the aforementioned deficiencies of Ogushi, *et al.* Accordingly, withdrawal of this rejection and allowance of claims 41 and 71 is respectfully requested.

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V. Rejection of Claim 51 Under 35 USC §103(a)

Claims 51 stands rejected under 35 USC §103(a) as being unpatentable over Ogushi, *et al.* (US 6,385,497) in view of Sekizawa (US 6,430,711) in further view of Chamberlin, *et al.* (US 4,703,325). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Claim 51 depends from independent claim 50 and Sekizawa in combination with Chamberlin, *et al.* fail to make up for the aforementioned deficiencies of Ogushi, *et al.* Accordingly, withdrawal of this rejection and allowance of claim 51 is respectfully requested.

VI. Rejection of Claims 67 and 68 Under 35 USC §103(a)

Claims 67 and 68 stand rejected under 35 USC §103(a) as being unpatentable over Ogushi, *et al.* (US 6,385,497) in view of Chamberlin, *et al.* (US 4,703,325) in further view of Sekizawa (US 6,430,711). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Ogushi, *et al.* and Chamberlin, *et al.* individually or in combination do not teach or suggest all the limitations of the subject claims. In addition, there is no motivation to combine Ogushi, *et al.* and Chamberlin, *et al.* with Sekizawa.

In particular, neither Ogushi *et al.* nor Chamberlin *et al.* teach or suggest a status message including health information relating to the factory automation component, as defined in the specification of the application. Rather, both cited references are only directed to sending trouble information or error codes. Further, neither Ogushi *et al.* nor Chamberlin *et al.* teach or suggest the factory automation component having an IP address. Rather, IP addresses associated with each factory automation component are absent from both references.

In addition, there is no motivation to combine Ogushi *et al.* and Chamberlin with Sekizawa, as Sekizawa is non-analogous to both Ogushi *et al.* and Chamberlin, since it does not relate to factory automation components as recited in the subject claims. Instead, Sekizawa relates to a plurality of network printers in a business environment. There is no mention in either Ogushi *et al.* or Chamberlin of utilizing network printers and there is no mention in Sekizawa of factory automation components or the art of factory automation. Thus, since Sekizawa is concerned with the non-analogous art of

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network printers and does not contemplate factory automation, there is no motivation to combine Ogushi *et al.* and Chamberlin with Sekizawa and such a combination is improper. The mere fact that references can be modified does not render the modification obvious unless the *cited art also suggests* the desirability of the modification. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Accordingly, the combination of Ogushi *et al.*, Chamberlin *et al.* and Sekizawa do not make obvious claim 67 and additionally, there is no motivation to make such a combination. Withdrawal of this rejection and allowance of claim 67 and claim 68, which depends therefrom, are respectfully requested.

VII. Conclusion

The present application is believed to be in condition for allowance, in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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